

REMARKS

Claims 1 – 20 remain in this application. Reconsideration of this application is respectfully requested.

In the Office Action, the provisional obviousness-type double patenting rejections of claims 1, 2, 9 – 11, and 15 – 20 over copending application no. 11/629,264 has been maintained.

With respect to the double patenting rejections, since the rejections are provisional, no further action is required until the double patenting rejection is the only remaining rejection in the present application and/or the rejection is no longer provisional. Applicant reserves the right to address the double patenting rejections and/or file a terminal disclaimer at a later date if necessary.

Claims 1 – 7 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al. (U.S. Patent No. 6,075,118, hereinafter “Wang ‘118”) in view of Wang et al. (U.S. Patent Application Pub. No. 2002/0128382, hereinafter “Wang ‘382”). Applicant respectfully traverses this rejection.

With respect to independent claims 1 and 4, applicant maintains its previous arguments made with respect to Wang ‘118 in the Amendment And Request For Reconsideration dated February 12, 2009 and incorporates those arguments herein by reference. Wang ‘118 does not disclose or fairly suggest a biodegradable polyester resin composition including a (meth)acrylic ester (B1) having two or more (meth)acryl groups or having one or more glycidyl groups or vinyl groups in the molecule thereof.

Further, as defined in claims 1 and 4, the present invention includes an aliphatic polyester (A) that is crosslinked with a (meth)acrylic ester (B1) and/or glycidyl ester (B2). Thus, as shown in Table 1 of the present application and as described in the specification on page 36, line 33 through page 37, line 2, the biodegradable polyester resin composition of the present invention is excellent in flexural modulus.

Turning to Wang ‘382, Wang ‘382 discloses a modified polymer composition comprised of a biodegradable polymer grafted with a polar monomer (see paragraph [0038]), i.e., a polar monomer is added as a sidechain. The resulting modified polymer is more

compatible with polar polymers and other polar substrates (see paragraph [0039]). Further, the modified polymer compositions of Wang '382 have enhanced compatibility with water-soluble polymers, such as polyvinyl alcohol (see paragraph [0038]).

Thus, Wang '382 is different from the present invention. Wang '382 does not disclose or fairly suggest an aliphatic polyester (A) that is crosslinked with a (meth)acrylic ester (B1) and/or glycidyl ester (B2).

Moreover, Wang '382 discloses that specific conditions are required to initiate a desired grafting reaction, otherwise undesirable cross-linking is created (see paragraph [0074]). In other words, Wang '382 asserts that cross-linking, which is required in the present invention, is undesirable (i.e., Wang '382 discloses that cross-linked polymers are undesirable). Consequently, Wang '382 teaches away from the present invention.

Therefore, one of ordinary skill in the art would not combine Wang '118 with Wang '382, and no possible combination of Wang '118 with Wang '382 results in the presently claimed invention. In other words, no combination of Wang '118 with Wang '382 results in an aliphatic polyester (A) that is crosslinked with a (meth)acrylic ester (B1) and/or glycidyl ester (B2).

For these reasons, independent claims 1 and 4 are patentable over Wang '118 and Wang '382. Claims 2 and 3, depending from claim 1, and claims 5 – 7 and 12, depending from claim 4, are also patentable over Wang '118 and Wang '382. Accordingly, applicant respectfully requests that the Section 103(a) rejection of claims 1 – 7 and 12 as being unpatentable over Wang '118 and Wang '382 be withdrawn.

Claims 8 – 11 and 13 – 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wang '118 in view of Wang '382 and Deckwer et al. (U.S. Patent No. 6,150,490, hereinafter "Deckwer"). Applicant respectfully traverses this rejection.

Applicant incorporates by reference the arguments made above with respect to the patentability of claim 1. Based upon those arguments, claim 1 is patentable over Wang '118 and Wang '382. Claims 8 – 11 and 13 – 20, depending directly or indirectly from claim 1, are also patentable over Wang '118 and Wang '382, and any combination of Wang '118 and Wang '382 with Deckwer.

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Accordingly, applicant respectfully requests that the Section 103(a) rejection of claims 8 – 11 and 13 – 20 as being unpatentable over Wang '118 in view of Wang '382 and Deckwer be withdrawn.

This request for reconsideration is felt to be fully responsive to the comments and suggestions of the examiner and to place this application in condition for allowance. Favorable action is requested.

Respectfully submitted,

Fumio Matsuoka et al.

Fildes & Outland, P.C.

A handwritten signature in black ink, appearing to read "J. J. Gajewski", is written over a horizontal line.

Jeremy J. Gajewski, Attorney

Registration No. 52,930

20916 Mack Avenue, Suite 2

Grosse Pointe Woods, MI 48236

(313) 885-1500